

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TODD ALTSCHUL §
VS. § CIVIL ACTION NO. 1:05cv1
UNITED STATES OF AMERICA §

MEMORANDUM OPINION AND ORDER

Movant Todd Altschul, an inmate at the Eastham Unit of the Texas Department of Criminal Justice, proceeding *pro se*, brought this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

Discussion

On May 9, 2005, movant filed a motion to voluntarily dismiss the above-styled action. Pursuant to Federal Rule of Civil Procedure 41(a), movant is entitled to voluntarily dismiss his action prior to the service by the adverse party of an answer or of a motion for summary judgment. As the respondent has not filed a response, movant's motion to dismiss should be granted.

O R D E R

For the foregoing reasons, movant's motion to dismiss the

above-styled action is hereby **GRANTED**. A final judgment will be entered dismissing this action pursuant to FED. R. CIV. P. 41(a).

SIGNED at BEAUMONT, Texas, on this the 23 day of June, 2005.



HOWELL COBB
UNITED STATES DISTRICT JUDGE